IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2693 OF 2006

Gullu @ Amin Rukumuddin Melwinmani ....Applicant.

V/s

State of Maharashtra .....Respondent.

Mrs. J.V. Walujkar for the applicant.

Mrs. M.H. Mhatre, APP for the State.

CORAM: V.M. KANADE, J.

DATE : 1st September, 2006.

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is a second application for bail. The first application of the applicant was rejected on 09/01/2006. Liberty was, however, granted to the applicant to apply for bail if the trial of the applicant is not over within six months.

3. Pursuant to the liberty granted by this Court, this second application has been preferred. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant is in jail since August, 2005. It is submitted that the only material against the present

applicant is in the form of statement of co-accused who had stated that the present applicant is also involved. The learned Counsel for the applicant submitted that the accused has not been produced before the Sessions Court after his arrest. She has further submitted that the offence under section 395 of the Indian Penal Code will not be attracted. It is further submitted that the applicant is permanently residing at Village Khanapur, Taluka Sindagi, District Bijapur.

4. The learned APP appearing on behalf of the State, on the other hand, submitted that there is no change in circumstance and the earlier application was rejected on merits. Therefore, the present application is also liable to be dismissed. She has also submitted that the applicant is involved in four other cases.

5. The applicant was given liberty to apply if his trial has not been completed within six months. This is, therefore, a fresh circumstance on which the present application can be entertained. The applicant has produced a certificate at Exhibit-B in which it has been stated that the applicant is a permanent resident of Village Khanaput, Taluka Sindagi, District Bijapur. This certificate has been issued by Village Panchayat Officer. A perusal of the other cases which are filed against him indicate that these cases had been filed after he was arrested in the present case. The applicant has been languishing in jail since 11/08/2005. Merely because there are other cases pending against him, that by itself

cannot be a ground for rejecting his application for bail. Since trial is not likely to begin and the presence of the accused can be secured by imposing conditions, in my view, the applicant is liable to be released on bail.

6. Accordingly, the applicant is released on bail in the sum of Rs 5000/- with one or two sureties in the like amount on the following conditions:-

(i) The applicant shall not enter the City of Pune, pending the hearing and final disposal of the trial except to attend the Sessions Court on the date which is given in this case and in other pending cases.

(ii) The applicant shall reside in Village Khanapur, Taluka Sindagi, District Bijapur and shall report to Miraj City Police Station once in a month.

(iii) The applicant shall also report to Bund Garden Police Station, Pune once in three months.

7. Application is disposed of in the above terms.

8. A copy of this order be sent to Miraj City Police Station by the Office of the Public Prosecutor.

(V.M. KANADE, J.)